

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RACHEL HIGGINS, *Guardian ad Litem*
on behalf of the minor child R.D.,

Plaintiff,

v.

CV 12-1247 WPL/RHS

NEW MEXICO MOTOR TRANSPORTATION
OFFICER CHRIS WEBB, and THE NEW MEXICO
DEPARTMENT OF PUBLIC SAFETY,

Defendants.

ORDER APPROVING SETTLEMENT OF MINOR'S CLAIM

The parties in this matter seek the Court's approval of a settlement agreement negotiated on behalf of the minor child. I held a hearing on this matter on August 8, 2013. For the reasons detailed below, I conclude that the settlement is fair and approve it.

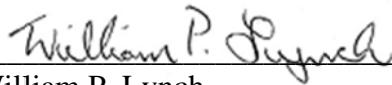
The Report of the Guardian Ad Litem (GAL) outlines the events that occurred on May 4, 2012 in Tularosa, New Mexico, that led to the filing of suit. (Doc. 25 at 3.) The parties reached a compromise settlement at a settlement conference that I conducted on May 14, 2013. Subsequently the GAL filed her report recommending that the Court approve the settlement. (*Id.* at 7.)

I have reviewed the GAL's Report, and at the August 8, 2013 hearing I heard testimony from the mother of the minor child and statements from counsel for the parties and from the GAL. I find that the proposed settlement meets the factors set out in *Jones v. Nuclear Pharmacy, Inc.*, 741 F.2d 322, 324 (10th Cir. 1984) that courts consider when deciding whether to approve settlement of a case. I was present during the settlement conference and observed that the terms

of the settlement were fairly and honestly negotiated. The Report of the GAL details the questions of fact and law raised by this case. (Doc 25 at 3-5.) These issues would have involved extensive discovery and motion practice, would have likely led to more than one appeal to the Tenth Circuit Court of Appeals, and would have placed the ultimate outcome of the litigation in question. Given these matters, the value of an immediate recovery outweighs the possibility that plaintiff would obtain greater relief by proceeding with discovery and to trial. Further, I find that the settlement proposed by the parties is fair and reasonable in its effect.

The Report of the GAL is approved; the settlement reached in this case is in the best interests of the minor child; and the settlement reached by the parties is hereby approved.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any pro se
party as they are shown on the Court's docket.